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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:12-cr-659-MO

Plaintiff,

**MOTION FOR DISCLOSURE OF
MONITORING OF PRIVILEGED
COMMUNICATIONS, MINIMIZATION
PROCEDURES & FILTER TEAM
PROTOCOL**

v.

REAZ QADIR KHAN,

Defendant.

ORAL ARGUMENT REQUESTED

The defendant, Reaz Qadir Khan, through counsel, hereby moves this Court for an Order requiring disclosure of:

(1) the existence of past or present government recording/monitoring of any communications that are privileged as either attorney-client communications or attorney work product communications;

(2) minimization procedures used during the course of the government's multi-year investigation of Mr. Khan; and

(3) the existence of a filter team, and of any filter team protocols, that have been used or are currently being utilized by the government in this case.

Further, if the government is monitoring potentially privileged oral or written communications without utilization of a Court-approved Filter Team protocol, the defense moves for implementation of a Filter Team procedure to protect from disclosure of privileged information.¹

As examined in the accompanying Memorandum, these requests are based on Mr. Khan's rights to privacy, to counsel, to a fair trial, to present a defense, and to fundamental due process. U.S. Const. Am. I, IV, V, VI, IX.

Respectfully submitted on April 28, 2014.

/s/ Amy Baggio

Amy Baggio

Attorney for Defendant

¹The defense reserves its right to object to improper dissemination of privileged defense strategy information already committed by the government. *United States v. Danielson*, 325 F.3d 1054, 1067-74 (9th Cir. 2003) (unlawful intrusion into attorney client relationship may warrant dismissal under the Sixth Amendment if the prosecution team learns of information concerning defense trial strategy).